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Bhutan

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I. Introduction

1. Since Bhutan presented its first report for the Universal Periodic Review in December 2009, two significant developments have taken place. The 10th Five Year Plan covering the period 2008–2013 was successfully completed. On the other hand, the Second Parliamentary Elections 2013 was successfully conducted in July 2013. The People's Democratic Party secured a 32 National Assembly Seats and was elected as the Ruling Party. The Druk Phuensum Tshogpa having won 15 National Assembly Seats was elected as the Opposition Party. The General Elections were witnessed by the European Union and other international observers.

2. In December 2009, Bhutan received 99 recommendations of which it accepted 75 recommendations and took note of or explained its position on the remaining 24 recommendations.

3. The Royal Government of Bhutan submits its national report for the second cycle of the UPR in accordance with the UN General Assembly resolution 60/251. This report presents the significant measures undertaken by the government in implementing the recommendations received during its first UPR in December 2009, improving the human rights situation on the ground as well as in addressing challenges to achieve these goals.

II. Methodology and consultation process

4. This report was coordinated by the Ministry of Foreign Affairs after a broad and inclusive consultative process involving Government Ministries, Agencies and Organizations such as the Ministry of Education, Ministry of Health, Gross National Happiness Commission and other relevant agencies like the National Commission for Women and Children.

5. The Ministry held several meetings with the above agencies and collated the report. A national stakeholders meeting was held to validate this report in which CSOs participated and made valuable contributions. In drafting this report, the guidelines contained in decision 6/102 of the Human Rights Council were closely followed. **(Recommendations 98 and 99)**

III. Implementation of recommendations

6. The current Government, led by Prime Minister Tshering Tobgay is committed to upholding the rule of law, protecting and promoting human rights of every Bhutanese and to strengthening democracy in Bhutan.

7. Since 2009, Bhutan has also taken numerous initiatives that are outside the purview of the recommendations received during first UPR. These are presented under the initiative section of this report.

8. Bhutan recognizes the important role played by all its development partners in implementation of the recommendations. Ten recommendations **(Recommendations 88-97)** called for the international community to extend financial and technical assistance to enable Bhutan realize various commitments/obligations under the Human Rights Council. The support extended by Bhutan's development partners have enabled the government to make significant progress on the recommendations received during the first UPR. Of the total revised outlay of about Nu 152.66 billion for the 10 FYP, about 34.45% was received from the UN specialized agencies, bilateral and other multilateral development partners.

IV. Normative and institutional framework for protection and promotion of human rights

A. Fundamental rights and the Constitution

9. The Constitution of Bhutan guarantees and protects the human rights of every citizen and provides speedy and effective remedies if those rights are violated. Article 7 of the Constitution guarantees and protects human rights including right to life, liberty and security of persons, right to freedom of speech, expression and opinion, and freedom of thought, conscience and religion, and such rights cannot be abridged except by due process of law. Section 3, 5, and 6 of Article 9 obligates the State to create a civil society and to protect human rights and dignity, and to ensure fundamental rights and freedom of people; to provide justice through fair, transparent and an expeditious process; and, to provide legal aid to secure justice.

B. Legislative framework

10. Reaffirming Bhutan's continued commitment towards promoting and protecting human rights, a number of important legislations were passed by the Parliament during the reporting period:**(Recommendation 21 and 22)**

(a) Disaster Management Act of Bhutan 2013;

(b) Domestic Violence Prevention Act of Bhutan 2013;

(c) Alternative Dispute Resolution Act of Bhutan 2013;

(d) The Road Act of Bhutan 2013;

(e) Child Adoption Act of Bhutan 2012;

(f) Consumer Protection Act of Bhutan 2012;

(g) The Child Care and Protection Act of Bhutan 2011;

(h) The Penal Code(Amendment) Act of Bhutan 2011;

(i) The Civil and Criminal Procedure Code (Amendment) Act of Bhutan 2011;

(j) The Anti-Corruption Act, 2011;

(k) The Water Act of Bhutan 2011;

(l) Marriage (Amendment) Act of Bhutan 2009.

11. The two houses of Parliament, the National Assembly and the National Council, constituted 17 committees such as the Human Rights Committee; Women, Children and Gender Issues Committee; Good Governance Committee, Social and Cultural Affairs Committee, among others. These Committees are central to the operation of both houses and provide an avenue for the Parliamentarians to examine complex policy matters and gauge public opinion on the same.

12. The Human Rights Committee during the term of the first government, made significant contribution towards improvement of prison conditions in Bhutan. The Committee visited several prisons and their recommendations to improve the infrastructure, facilities and living conditions of prisons were incorporated by the relevant authorities.

C. Strengthening the Judiciary (Recommendation 47)

13. Bhutan is committed to the rule of law and the Constitution guarantees the right to a fair and impartial trail. This is possible as the Judiciary is independent of the executive and the legislature. The Judiciary plays it part to ensure that the democratic culture of governance in the country is firmly entrenched.

14. The independence of Judiciary was demonstrated through the speedy rendering of judgment by the Supreme Court on country's first landmark constitutional case of the Government Vs. the Opposition in August 2010, wherein the Supreme Court upheld the High Court's ruling that the government had erred in revising taxes without following due legislative process. The respectful acceptance of the ruling and its immediate compliance by the government is an excellent example of the clear delineation of power among the three arms of the government and the presence of a strong rule of law.

15. Since 2009, the capacity of Judiciary has been strengthened through human resource development, institutional capacity building and infrastructure development. In addition to a court in each of the 20 Districts, separate courts have also been established in all 15 sub-districts enhancing people's access to justice. Bhutan currently has a strong pool of qualified lawyers and a high percentage of professionally trained judges.

16. The Bhutan National Legal Institute was established in 2011 to provide continuing legal education to judicial personnel and others involved in the administration of justice. It has conducted numerous trainings for lawyers, judges and police personnel on codes of conduct, civil and criminal procedures, etc. BNLI has also provided Alternate Dispute Resolution training at the local level in order to capitalize on its advantages over litigation thereby increasing efficiency of the judicial system. Woman and Child rights have also been integrated into ADR trainings to create awareness locally and empower them to make use of the process. In addition, officials and Judges also visited the Federal Administrative Court of Switzerland in 2013, where they receive training not only in court procedures but also in the areas of human rights. **(Recommendation 88)**

D. Anti-corruption measures

17. The government has strengthened key constitutional bodies by enacting laws and regulations that will assist these institutions in fulfilling their mandates. Since 2009, transparency, financial accountability and control of corruption have been enhanced, through regular audit of government, public institutions and organizations by an independent Royal Audit Authority and proactive measures by Anti-Corruption Commission. Legislations to enable these anti-corruption bodies include among others, the Anti-Corruption Act 2011, Asset Declaration Rule 2012, Debarment Rule 2013, and Gift Restriction Rule 2013. The ACC has also introduced numerous corruption prevention tools like National Integrity Assessment, Corruption Risk Management, Integrity Diagnostic Tool, Asset Declaration, etc to curb corruption in public sectors. Public education program across 19 Dzongkhags[1] and 196 Gewogs[2] have also been conducted to create awareness on the issue. According to Transparency International's Corruption Perception Index, Bhutan currently ranks 31 out of 177 countries, an 18 point improvement from its rank of 49 in 2009. Within South Asia, Bhutan is ranked the highest. This has been possible due to the collective action of the oversight bodies which, among others, adopt best practices and lessons from other countries before embarking on any new initiatives. **(Recommendation 12)**

E. National Commission for Women and Children

18. The NCWC is an autonomous agency which coordinates all policies and activities related to protection and promotion of rights of women and children. NCWC has also addressed other cross cutting human rights issues like violence against women, trafficking in persons, child rights etc. The agency continues to receive the government's support through technical and financial assistance. A Legal Officer was also appointed in the NCWC in 2012, further strengthening its legal capacity. **(Recommendation 10 and 11)**

F. Civil society organizations

19. CSOs are growing in strength and play an increasingly important role in the society. Most CSOs in Bhutan work to help economically marginalized, vulnerable groups and to this effect have also been active in some areas of policy formulation. Additionally, there are also Community Based Organizations which are informal, voluntary, rural community groups which also work in the interest of vulnerable groups.

20. The CSO Authority, established in March 2009 to oversee the formation and functioning of the CSOs, ensures emergence of healthy and serious CSOs capable of delivering their declared goals and objectives. As of June 2013, there were 33 CSOs registered with the Authority and more are emerging.

21. The CSO Authority through the CSO Fund Facility Window, created with funds pooled from our development partners, has provided funding grants of Nu. 50 million to over 75% of the registered CSOs to enable implementation of their organizational mandates. Similarly, over 20 CBOs which are unregistered have also been provided substantial financial grants.

22. The CSO Authority will continue to strengthen the institutional and operational capacity of the registered as well as emerging CSOs through mobilization of funds so that these CSOs in the long term would not only be able to play a vital, complementary and supplementary role to the government, but would also emerge as self sustaining, independent entities.

G. Strengthening of democracy and development of a sound democratic culture (Recommendation 45)

23. In April 2008 Bhutan became the youngest democracy when the first democratically elected government was installed. International observers including the European Union declared the elections free and fair meeting international standards. The most noteworthy feature of the democratic process in Bhutan is that the transition from Monarchy to Democracy was initiated by His Majesty the King and His Majesty the Fourth King in a smooth and peaceful manner.

24. Bhutan's democratic process has been further consolidated with the successful conduct of local government elections in 2011 and second Parliamentary elections in 2013, which was observed by international observers like the EU. Four political parties contested the elections in 2013, compared to two parties in 2008, resulting in a vibrant election process.

25. Key constitutional bodies have been established and laws and regulations have been put in place to assist them in fulfilling their mandates. Further, to promote good governance, several initiatives have been taken to strengthen public service management through civil service reforms and by enhancing efficiency in the delivery of public services.

26. Efforts are also being made to continually disseminate information to create greater awareness of the electoral and democratic process by involving all stakeholders. In the run up to the second parliamentary elections and the LG elections, the Election Commission of Bhutan had undertaken various measures including advocacy campaigns to encourage Bhutanese to fully participate in the electoral and democratic process, with special focus on women and youth participation. **(Recommendation 57)**

27. The ECB has launched "Democracy Clubs" in Schools and institutions and also set up Volunteers for Voter Information, Communication and Education and Network of Bhutanese for a Democratic Bhutan. These initiatives will enhance education and promotion of higher electoral standards through wider participation of the public. **(Recommendation 57)**

28. The government has always recognized and acknowledged media's indispensible role in deepening democracy and good governance by checking arbitrary power and demanding accountability and transparency in governance. There is a strong legal framework in place that supports and protects the freedom and independence of the media. Bhutan's Constitution guarantees freedom of speech, opinion and expression, the freedom of the press, radio and television and other forms of electronic dissemination of information. **(Recommendation 50)**

29. The media in Bhutan has grown rapidly within a very short span of time. In 2012, there were twelve local newspapers, seven radio stations and two television news channels. Media editorials and content are uncensored and exhibit very robust, highly outspoken and independent views mirroring the growth of an independent press. The monthly Meet the Press is one of the many initiatives undertaken by successive governments to ensure access to information by media. The Bhutan Media Foundation was established in 2010 through a Royal Charter to foster the growth of a strong and responsible media. The government has also organized various program, workshops and seminars to develop professionalism of the media. **(Recommendation 51)**

30. Nevertheless, low literacy rate, small population and limited market size pose a challenge to the sustainability of media growth in Bhutan.

31. After transitioning to democracy, access to information for the public has improved significantly. Article 7(3) of the Constitution guarantees Right to Information. Accordingly, a RTI Bill has also been drafted and was discussed in the first session of the second parliament. There is a robust discussion on the draft Bill and a sensitization drive is ongoing. The bill will be discussed again in the next parliament session.

32. CSOs, both registered and informal associations, are contributing to the strengthening of democracy and democratic culture through civic education, trainings, workshops, forums, media production and research. Specialized seminars and conferences have been conducted by various research centers and all of them have helped to deepen understanding of democracy in Bhutan.

H. Fostering a human rights culture through awareness and education (Recommendation 16 and 46)

33. With the assistance of the specialized UN agencies and other bilateral partners, significant progress has been made in strengthening capacity and awareness on human rights among the populace through workshop, seminars, conferences and social events. These also provided an opportunity for key stakeholders to assess the status of human rights in the country and work towards closing the gaps.

34. A significant achievement has been in the area of developing child protection interventions and institutionalizing capacity building on child rights. NCWC with UNICEF has developed a training curriculum on child rights and officials from relevant agencies are regularly trained on child protection including basic case management approaches. Police officers, attorneys, private law practitioners, labour inspectors, local leaders and heads of monastic institutions are being sensitized and trained on CRC, CEDAW, CCPA 2011, child friendly justice procedures and gender related challenges. Local leaders from all 205 gewogs have been trained and sensitized on child rights and protection. This will contribute towards protection of children's rights at the local level.

35. Over 170 schools principals were oriented on counseling and child protection issues. A training manual for psychosocial support in emergencies has been adapted and shared with youth volunteers and schools counselors. Key agencies like the NCWC, Department of Youth and Sports, Department of Disaster Management, and CSOs like RENEW, ABS were trained as trainers in child protection in emergencies.

36. Over 600 community members, children, policy makers and parliamentarians were sensitized on child rights and protection at the launch of the 2012 State of the World's Children Report. Over 3000 undergraduate university students and lecturers were sensitized on various national laws including on child protection. Law Clubs have been established in 24 pilot schools covering all 20 districts. These serve as an outreach mechanism for legal awareness and dissemination among children.

37. The NCWC in collaboration with the UNODC organized an anti-human trafficking sensitization workshop for law enforcement officers and other stakeholders in border districts. High level meetings on Trafficking in Persons have resulted in a situational analysis and the formulation of a Standard Operating Procedure to prevent incidences.

38. A study on prevalence of Violence Against Women was conducted in 2012. The findings are being disseminated regularly through media and awareness workshops. The UN Secretary General's campaign against VAW called SG UNiTE was launched in 2013 with various sectors. This multi-sectoral involvement will strengthen the government's efforts to enhance awareness on VAW. Awareness of the DVPA 2013 has been carried out for the students and lecturers of tertiary institutions, law enforcement agencies etc as part of the campaign. Royal Bhutan Police also launched "Friends of Police", a Police Public Partnership Program in September 2013 to promote greater awareness on VAW. Bhutan also participated in the One Billion Rising campaign to end VAW in February 2013. **(Recommendation 38)**

39. Seminars on Human Rights and Buddhism was organized by the Royal University of Bhutan in four different dzongkhags, an awareness video on "Human Rights and the Constitution of Bhutan" was produced and screened, and a booklet on human rights consisting of the translated version of the Universal Human Rights Declaration was also published and distributed.

40. The BNLI initiated legal TV and lecture series, Rural Legal Dissemination program, symposiums, and seminars with the intention to raise public awareness on human rights.

41. Encouraging youth to become productive and responsible citizens through educational program has always received high priority from the government. Hence various youth health and development program are provided for both in and out of school youth to enable them to imbibe important moral values and skills. Additionally, the Educating for GNH program was introduced in 2010 in schools to infuse values and principles of GNH into the education system. The GNH program is aimed at ensuring justice and equity in the management of schools. Several schools have reported visible improvement in students' behavior and respect for different culture and tradition. **(Recommendation 17)**

42. Awareness on rights and responsibilities of free speech and on citizenship are being strengthened through CSO activities as well. Rural voices are also being strengthened through initiatives undertaken by CSOs.

V. Implementation of recommendations grouped thematically

A. Right to education (Recommendation 70 and 71)

43. Article 9 (16) of the Constitution states that "The state shall provide free education to all children of school going age to tenth standard and ensure that technical and professional education is made generally available and that higher education is equally accessible to all on the basis of merit". The draft National Education Policy reinforces the Constitution by assuring that "All Bhutanese children including those with special needs shall have access to a quality basic education (up to grade 10 or equivalent) that is free (in terms of tuition fees and textbooks) and equitable". The government's commitment is evident as 24.39 % of the total outlay in the 11th FYP is allocated to social sectors like education and health.

44. At present, NER for primary education stands at 96%, showing an improvement of 4% compared to the NER of 91.82% in 2009, while the NER for basic education stands at 94% compared to 88.36% in 2009. Plus the Adjusted NER[3] is estimated at 98.5 %, proving that primary education is being accessed by almost all Bhutanese children. Further, the government has targeted NER for primary and basic education at 98% and 96% respectively in the 11thFYP. In order to achieve this target, it continues to prioritize provision of free primary education for all children.

45. Bhutan has also made impressive progress towards ensuring gender equality in education. The GPI in education is calculated at 1.02, indicating that on the whole there is no significant gender inequality in the Bhutanese education system. This has been possible through the policy of establishing primary schools, extended classrooms and providing free text books, stationery, boarding facilities and school feeding programs, especially in rural and remote areas to encourage admission and retention of children, especially girls from vulnerable background. Additionally, to enable children from poor families and those who need to walk longer distance to attend school, free meal is provided to school children based on need. In boarding situations, caregivers are placed to care for the young children as well. **(Recommendation 66)**

46. Towards meeting the needs of vulnerable children, and specifically to give children from poor socio-economic backgrounds an early head start, the government has initiated establishment of community based Early Childhood Care and Development centres. Catering to 3-5 year olds, this initiative takes early stimulation and school readiness program free of cost to local communities. Currently there are 118 such centres across Bhutan including those run by CSOs and Corporations. The government aims to establish 135 more centres within the 11 FYP. **(Recommendation 33)**

47. Reflecting the government's commitment to providing education to all, especially children with disabilities, the draft National Education Policy states that "children irrespective of abilities location or background shall have equal access and opportunity to education" and that "all schools and institutes shall incorporate policy on special educational needs in their school policy document".

48. Additionally, a two-stage disability prevalence study for children aged 2–9 was also conducted in 2012 to assess the extent and prevalence of disabilities in the country. The report serves as an important tool for policy makers, researchers, practitioners, CSOs, and

volunteers to promote participation, equity and happiness of such children. This study also forms the basis for identifying regions and areas for targeted special needs services, including education and health.

49. To help meet the need for providing specialized education services, a special education unit has also been established in the MoE. Bhutan also hosted its first regional seminar on inclusive education for children with disabilities in December 2013.

50. Presently, eight schools cater to children with special needs, with two schools providing specialized services for the visually and hearing impaired. As of June 2013, there were 259 teachers trained on inclusive education, catering to such students. During the 11th FYP, the service centers of 15 schools, including the existing 8, will be improved and upgraded. A network consisting of focal points from different sectors has also been established and their roles mapped out to address the needs of children with disabilities. Similarly, there is increasing number of active CSOs providing educational services to children with special needs. **(Recommendation 33 and 34)**

B. Right to health

51. All Bhutanese avail free health services from primary to tertiary level health care as a right guaranteed by the Constitution. Article 9 (21) and (22) states that, "the state shall provide free access to basic public health services in both modern and traditional medicines" and "the state shall endeavor to provide security in the event of sickness and disability or lack of adequate means of livelihood for reasons beyond one's control" respectively. These constitutional provisions are testament to the government's commitment to provide free and quality universal health care to all Bhutanese.

52. In order to ensure all Bhutanese have access to free health services, a consolidated National Health Policy was launched in July, 2011 which also provides a road map for achieving all national as well as international health related goals. At present, primary health coverage is estimated at 90%. Currently there are three health facilities for every 10,000 persons. The NHP emphasizes on the need to construct health facilities within three hours of traveling distance as well as health services that are responsive to the needs of the persons with disabilities. The government intends to provide 100% nationwide access to healthcare Professionals through technology enabled solutions. Despite severe shortage of doctors and trained medical personnel, Bhutan has also implemented a policy to station three doctors per district and is on the path to realizing it. **(Recommendation 69)**

53. Further, the NHP mandates the government to promote health facilities and services, which are accessible to persons with disabilities. Accordingly, physiotherapy services are provided in 22 hospitals across 18 Districts; and any new construction of health infrastructure especially hospitals in the 11FYP will incorporate services accessible to persons with disabilities. **(Recommendation 66)**

54. Considerable progress has been made in developing the capacity of the health system which has resulted in improvements in health related outcomes. Various initiatives like recruiting foreign Doctors, sourcing health volunteers from different countries, reinstating resigned national doctors on contract basis, providing financial support to privately enrolled medical students, initiating the Accelerated Nursing Program, etc have increased the pool of health professionals in the country. In parallel, the Royal Institute of Health Sciences (RIHS) and the Institute of Traditional Medicine Services, two main medical education centers in Bhutan, have produced human resources in various categories of health technician and traditional medicine respectively. RIHS launched a B.Sc in Public Health in 2010 and a B.Sc in Nursing and Midwifery in 2012, which will result in more qualified professionals in the long run.

55. The enactment of the University of Medical Sciences of Bhutan Act and its establishment in 2012, is a major initiative of the government towards providing in-country professional medical education, thereby, addressing the critical shortage of health and allied professionals and ensuring access of Bhutanese to quality healthcare professionals. **(Recommendation 69)**

56. The Ministry of Health has also revised its National Strategic Plan (2012-2016) to ensure health services are responsive to the needs of the vulnerable and marginalized group especially people living with HIV/AIDS, Men who have sex with Men, Commercial Sex Workers and Trans-genders. This is aimed at promoting the rights of these individuals to access quality services related to HIV prevention, treatment, care and support. **(Recommendation 30)**

57. Additionally, the MoH has undertaken the following studies to understand the prevalence and spread of HIV/AIDS;

(a) Rapid Assessment on Stigma study for MSM and TG (2012-2013);

(b) Mapping and size estimation of MSM and TG (2012);

(c) KAPG Survey among migrant workers and among in and out of school youths (2012-2013);

(d) Surveillance in Mega Hydro Power Projects (2013).

58. Lhaksam, a CSO advocating for the rights of people living with HIV/AIDS was established in 2009. It has been effective in bringing the plight of this vulnerable group to the forefront and in countering societal stigma attached to the disease.

C. Poverty alleviation

59. The main objective of the 10th FYP was to reduce poverty to 15% by 2013 from 23.2 % in 2007. In 2012, poverty rate stood at 12%, an important achievement. Nonetheless poverty reduction continues to be one of the top most priorities. **(Recommendation 65)**

60. The overarching objective of the 11th FYP is to achieve Self-reliance and Inclusive Green Socio-Economic Development. Against this backdrop, poverty reduction is one of the 16 national key result areas of the plan. Government targets to further reduce poverty to 5% by 2018. In addition to income poverty, the government has also set aggressive target to reduce multidimensional poverty from 25.8% in 2010 to 10% by 2018.

61. The 11th FYP also has a special focus on addressing the needs of vulnerable groups by conducting comprehensive studies to set baseline targets and formulate appropriate interventions. **(Recommendation 30, 31)**

62. The government will continue to reduce poverty and reach out to vulnerable groups of society through targeted intervention such as: **(Recommendation 66)**

(a) The Rural Economy Advancement Program which seeks to target extreme poverty in 126 villages identified during the 10th FYP as being most marginalized. REAP I was implemented as a pilot project during the 10th FYP where targeted support was provided to 10 villages. Given its success, 116 villages have been identified to be beneficiaries under REAP II during the 11th FYP.

(b) The National Rehabilitation Program is a program initiated and spearheaded by the Office of Gyalpoi Zimpon[4] with the objective to reduce poverty by enhancing the productive asset base of marginalized households through the provision of adequate land, transitional and livelihood support and socio-economic facilities.

(c) The Local Government Empowerment Program seeks to ensure that all local governments have basic facilities and necessary financial resources to effectively deliver on their mandate.

(d) The Special Program for Vulnerable Groups caters to the needs of senior citizens, differently-abled persons, and vulnerable youth.

(e) Targeted health and education interventions will improve health and education outcomes for districts with poor health and education outcomes.

63. Additionally, there are CSOs like the Tarayana Foundation, which collaborate with the government and work towards poverty alleviation in the most remote pockets of the country.

D. Towards achieving food and nutrition security (Recommendation 67 and 94)

64. Enhancing Food and Nutrition Security has been identified as one of the key objectives for the Ministry of Agriculture and Forestry in the 11th FYP, while becoming "food secure and sustainable" has been identified as one of the National Key Result Areas for the government. Towards achieving this objective, several programs which will contribute directly towards its realization have been developed. A National Food and Nutrition Security Policy, formulated with assistance from the FAO has already been submitted to the government for approval. Once passed, the policy will ensure that food and nutrition security is adequately prioritized and mainstreamed in all development plans. A Country Program Framework developed in partnership with the FAO is also in place.

65. Recognizing the importance of educating Bhutanese youth on the issue of Food and Nutrition Security, the government continues to support School Agriculture Program in 173 schools, wherein schools are encouraged to be self sufficient by growing vegetables and rearing livestock. This program has also led to successful economic partnership between schools and local communities and promotion of local vegetable production.

66. In 2013, an Agriculture and Food Security subject was piloted in 20 secondary schools as an optional subject. The response to this new curriculum has been very positive and it will be scaled up over the course of the 11th FYP based on demand and availability of resources.

E. Addressing youth unemployment (Recommendation 63 and 64)

67. Overall unemployment rate has dropped from 4% in 2009 to 2.1% in 2012. While unemployment rate of 2.1% remains low and is not alarming compared with global trends, the situation is critical in Bhutan's context as youth unemployment rate is much higher than the national average.

68. One important intervention to counter unemployment has been the drafting of the National Employment Policy. The NEP outlines strategies to accelerate employment growth, improve working conditions and provide equal opportunities, while producing skilled work force to meet requirements of the labour market.

69. Recognizing the importance of promoting entrepreneurship among youth, an Entrepreneurship and Self Employment Division was instituted within the MoLHR in July, 2010 with the mandate to promote self employment through entrepreneurship in creative industries like services and manufacturing. Apart from conducting impact assessment, tracer study, awareness and orientation on entrepreneurship, the division also delivers Basic

and Comprehensive Entrepreneurship Course to interested youth. Additionally there are CSOs as well as private organizations that promote and support entrepreneurship.

70. In order to address the issue of unemployment, the MoLHR has initiated numerous programs such as Career Counseling Programs, Entrepreneurship Development Programs, Internship Programs, among others. It also brought out numerous publications such as Labour Market Guidebooks, Counseling Guidebooks and the Recruitment & Selection Regulation 2012 to help job seekers. To assist youth in making the right career choices, career education and counseling is also institutionalized in all secondary schools across the country.

71. Consequently, due to the various initiatives undertaken by the government, youth unemployment has been reduced from 12.9% in 2009 to 7.3% in 2012.

F. Trafficking in persons (Recommendation 43)

72. Although the incidence of TIP in Bhutan is minimal comprising isolated and sporadic cases, the government has made major efforts to control and monitor such occurrences.

73. New legislations, namely the CCPA 2011, define trafficking comprehensively in line with UN conventions. The amendment of the PCB in 2011 also reviewed the definition of trafficking making it comparatively more inclusive. A Standard Operating Procedure on TIP is in the process of being developed by NCWC in collaboration with all relevant stakeholders.

74. This, subsequently, has led to stronger collaboration amongst the government and non-government partners and has also resulted in partnership with relevant organizations across the border.

75. Capacity building program are being conducted at regular intervals thus increasing the awareness levels. The NCWC will be working closely with the UNODC on a project to "Enhance Government and Civil Society Responses to Counter TIP in Bhutan" for a period of 3 years beginning early 2014.

G. Sharing GNH experience with the international community (Recommendation 83 and 84)

76. Bhutan initiated a resolution A/RES/65/308 titled *"Happiness: Towards a Holistic Approach to Development,"* which was co-sponsored by 68 countries. The resolution was adopted by consensus by the UNGA on July 19, 2011. The Happiness Resolution recognized the pursuit of happiness as a universal and fundamental human goal, and the *"need for a more inclusive, equitable and balanced approach to economic growth that promotes sustainable development, poverty eradication, happiness and well being of all peoples"*.

77. In pursuance of the Resolution, Bhutan convened a 'High Level Meeting on Happiness and Well Being: Defining a New Economic Paradigm' on 2nd April 2012 at the UN headquarters in New York. The report of the HLM was submitted to the UN Secretary General by Bhutan's Prime Minister in June 2012 and shared with the international community at the Rio+20 Summit in Rio de Janerio.

78. As per the recommendation from the HLM, Bhutan engaged a group of 63 members International Expert Working Group in diverse fields to work the proposed economic paradigm. The first IEWG meeting took place in Bhutan from 30 January to 2 February

2013. A Secretariat of the New Development Paradigm was also established in Thimphu to coordinate and facilitate the work of the expert working groups. The report was presented to the 68th session of the UNGA in September 2013.

79. Bhutan attaches high importance to this initiative and believes it will contribute to the post-2015 development agenda and the need for a holistic development approach beyond GDP. Inspired by this initiative, 30 March was declared as International Happiness Day by the UN General Assembly.

H. Cooperation with regional and international bodies (Recommendation 18)

SAARC (Recommendation 87)

80. In April 2010, Bhutan hosted the Sixteenth SAARC Summit on the theme "Green and Happy South Asia" and assumed the Chair of SAARC for the first time. The Silver Jubilee Declaration and the Thimphu Ministerial Statement on Climate Change along with the signing of the "Convention on Cooperation on Environment and the SAARC Agreement on Trade in Services" were the substantive outcomes of the Summit. As Chair of SAARC, Bhutan hosted several high level and important meetings and events thereby leading the SAARC process prominently:

(a) Finance Ministers Meeting, August 2010;

(b) SAARC Council of Ministers, February 2011;

(c) SAARC Home/Interior Ministers, July 2011;

(d) SAARC Immigration Authorities, July 2011;

(e) SAARC Environment Ministers, September 2011;

(f) Heads of SAARC University Grants Commission, April 2012;

(g) National Focal Points to Strengthen SAARC Mechanisms, April 2012;

(h) SAARC Chief Justices Conference, May 2013;

(i) SAARCLAW conference, May 2013;

(j) SAARC Food Bank, November 2013;

(k) SAARC Literary Festival, December 2013.

81. Bhutan is also host to the SAARC Development Fund (SDF) Secretariat and the SAARC Forestry Centre.

ICRC

82. To ensure our legislation and practices in the fight against terrorism match our obligations related to International Humanitarian Law, Bhutan continues to cooperate with the ICRC. Accordingly, the Geneva Convention has also been translated into Dzongkha and is under review before it is published for dissemination. Bhutan also continues to host delegations from the ICRC Regional Delegation based in New Delhi. Since 2009 representatives of the government have been attending the South Asian Teaching Session and the South Asian Conference on IHL organised by the ICRC in and around Asia. Bhutan also hosted the Fourth South Asian Conference on IHL in Thimphu from 26th February- 1st March 2013. **(Recommendation 82)**

I. Cooperation with human rights mechanism

83. Demonstrating Bhutan's commitment to constructive engagement with human rights mechanisms of the UN, we have extended a standing invitation to the Special Rapporteur on Right to Education to visit Bhutan.

VI. Implementation of recommendations specific to vulnerable groups (Recommendation 30 and 31)

A. Women (Recommendation 25 and 27)

84. Women in Bhutan comparatively enjoy high degree of independence and equal opportunities as that of men in many spheres of life. The Traditional matrilineal inheritance systems in most communities grant women full access to land and ownership and in most cases women also have substantive decision making power regarding properties and family matters. However, despite absence of overt and institutionalized forms of discrimination, there are still gaps that need to be addressed. Accordingly, the government continues to take several measures to address those gaps.

85. The NCWC in collaboration with the WB has developed a gender policy note which aims to assess the achievements in terms of promoting gender equality, identify the areas that need more attention and provide policy interventions. In addition, a country gender assessment in selected sectors has also been conducted. These documents will further assist the government in identifying and closing persistent gaps.

1. Violence against women (Recommendation 35, 36, 37, 38 and 39)

86. Earlier studies indicated that women constitutes majority of the victims of domestic violence. In response to this, The Domestic Violence Prevention Act 2013 was enacted on 1st March, 2013. The Act was drafted through an inclusive process which involved stakeholders and the general public. The Act is comprehensive in its scope and coverage. It ensures a prompt and just legal remedy for the victims irrespective of their place of residence. It also facilitates access to remedies for immediate and effective assistance, protection to the victims and introduces measures which seek to ensure that the relevant agencies give full effect to its provisions.

87. The DVPA 2013 prescribes clear procedures to enhance access to justice for women victims of violence. A DVP Rules and Regulation is also under preparation. BNLI has taken numerous initiatives to improve access to justice for victims by training law enforcement agencies on procedures for dealing with VAW cases, creating awareness on their rights, integrating women's rights into ADR trainings, training local women leaders on ADR, etc. It also conducts regular trainings for the Judges on the Acts that impact women and children's lives. In addition, bench clerks of the district courts were trained on women and child friendly procedures with the intention of expediting case registration and hearing. **(Recommendation 48)**

88. Recognizing the need for a separate and independent division catering to the needs of women and children within the RBP, a separate Women and Child Protection Division was established on 1st March 2013. This division ensures that mandates related to protection of women and children are implemented by all field units by providing prevention, protection and assistance services. Women and Child Protection Units have been established in 4 districts and plans are underway to cover 2 more. The ultimate plan is to establish a WCP Unit/Desk in each of the 20 districts across the country. In addition to

law enforcement, WCPU collaborate with civil society and other agencies in educating on woman and child rights. The Unit also maintains database on violence against women and children. **(Recommendation 42)**

89. The induction of women in the Police force has increased considerably. Currently, there are about 80 women police personnel in all WCPUs/Ds. Section 20 of the DVPA 2013 encourages the appointment of at least one female police personnel in the WCPU/D. Given the mandate to establish WCPU/D in every district, the number of women working on VAW issue will increase.

90. RENEW, a CSO is actively involved in preventing domestic violence and helping the victims become independent and productive members of the society. In addition, services such as rehabilitation, counseling, temporary shelter, legal assistance, and skills development trainings are also provided to the victims.

2. Mainstreaming gender in development plans and policies (Recommendation 15)

91. Mainstreaming gender was an integral part of the country's 10th FYP and with support from the UNDP, the National Plan of Action for Gender 2008-2013 was drawn to promote gender equality and women's empowerment. The NPAG is currently under review, preliminary findings suggest progress in target areas. The 11th FYP features programs to bridge those gaps that continue to exist.

92. The 11th FYP is geared towards giving greater focus to gender and women empowerment in all national plans and polices and as a result, sectors have incorporated gender based activities in their 11th FYP. Some of these include building capacities of women leaders, providing scholarships to girls from disadvantaged backgrounds, establishing girl-friendly infrastructures in schools and establishing ECCD Centres.

93. The national gender focal point network set up in 2006 to ensure mainstreaming of gender into sector policies and plans, with representation from key government, civil society and private agencies is still functional and convenes regularly for policy coordination and implementation. The NCWC, as a member of the GNHC's Policy Screening Committee, reviews all policies from a gender perspective and suggests recommendations to make policies responsive to the needs of women, including the elimination of stereotypes. **(Recommendation 23)**

94. Further, the current Plan has incorporated not only gender mainstreaming but Gender Responsive Budgeting as well to address priority areas of education, employment, governance and decision-making and gender-based violence. Having recognized the importance of GRB as a tool to ensure implementation of all gender based plans, the government emphasizes GRB at both central and local levels.

3. Addressing gender gap in education (Recommendation 72, 73, 74 and 75)

95. While gender parity has been achieved at primary and basic education levels, and the gap has been narrowing at the higher secondary education levels, addressing the disparity in enrolment rates at the tertiary level remains a priority.

96. To study the reasons for low enrolment of women at higher levels of education, a study called "Glass Ceiling in the Educational Curve for Girls- assessing girl's participation in education at higher secondary level in Bhutan" was conducted in 2009. The study point to the need for targeted interventions for enhancing gender responsiveness in education. The government has since then taken initiatives such as girl child friendly facilities, gender sensitization program and counseling, financial and other support for girls from poor background and enhancement of quality of education in general to ensure retention of girl students. Scholarships for girls are also being provided through CSOs and corporations.

97. The Educating for GNH Program also aims to provide life skills like critical thinking and informed decision making among others, which would provide avenues for students, teachers and the larger community to understand gender related issues and challenges and work collectively towards addressing them.

98. The Non-Formal Education program is an effective method for providing basic literacy and functional skills amongst the adult population, particularly in rural areas. It has made significant contribution to literacy and access to education by women. The NFE program has expanded from 756 centers in 2009 to 953 centres in 2012 across all 20 districts. Over 70% of the learners enrolled in the Program are women. Moreover, the Continuing Education Program, offered in 21 schools and institutes across the country, continues to see a higher enrolment of women. As a result, in 2013, Female Adult Literacy Rate was 45.2 % as compared to 38.7 % in 2005.

99. As a matter of policy, the government does not restrict pregnant/married girls from continuing education in school. Education personnel including counselors and teachers provide counseling to young mothers to encourage them to continue their education.

4. Political participation of women (Recommendations 56, 58 and 59)

100. The NCWC, in collaboration with UN agencies and bilateral partners, had commissioned the following studies to understand the nuances of women's political participation and to identify policy recommendations to address the gaps.

(a) Participation of women in 2011 LG election.

(b) Women and Elections; A gender assessment and proposed strategy for LG elections to enhance women's participation as candidates.

101. In the run up to the elections, findings and recommendations from the studies were continually used to raise awareness and address gaps to promote and encourage women's participation in politics.

102. Although the overall representation of women in parliament has decreased, positive trends were also observed during the last parliamentary election. Of the four parties which participated in the 2013 elections, two were led by women presidents. The second election also saw the election and appointment of the first woman minister of Bhutan.

103. Consultations are being conducted at regular intervals to trigger discussions on the need for temporary special measures. A workshop to assess the feasibility of initiating quota systems for women has already been conducted by the NCWC, with the participation of the key stakeholders in 2013. This workshop resulted in a National Action Plan for the Women's Political Equality.

104. The present government has also pledged women's empowerment and to explore 20% quota system for women. This accordingly has been incorporated into the 11th FYP as a NKRA indicator i.e drafting legislation on the quota for women.

105. CSO like BNEW has conducted leadership training for women in villages to encourage participation in locally elected offices. In 2013, BNEW hosted a series of regional meetings in collaboration with government agencies to raise awareness on the issue of women in politics and build the leaderships skills of aspiring female candidates.

5. Combating stereotypes (Recommendation 23 and 24)

106. Numerous awareness and sensitization program are held frequently for the local government functionaries on gender concept and gender division of roles, sensitization on laws and legislation related to women and children. In addition, training program for the private sector on gender concepts are also conducted at the central and local levels. All

these are targeted at breaking stereotypes and roles that are constructed through cultural and traditional practices.

B. Children

107. Rights of children are enshrined in the Constitution, the Penal Code and the Civil and Criminal Procedure Code. The government's early ratification of the Convention on the Rights of the Child and its two Optional Protocols also demonstrates its commitment to ensure the security and welfare of children. Children have been identified as one of the most vulnerable groups under the 11th FYP, and for the first time, child protection has been accorded independent status in a development plan. **(Recommendation 32)**

108. As recommended, The Child Care and Protection Act 2011 was enacted on 31st May, 2011 and The Child Adoption Act, 2012 on 5th January 2012. The landmark CCPA 2011 represents a milestone event for child protection and strengthens the legal framework for the care and protection of children in observance of Bhutan's commitment under the CRC. The rules and regulations for CCPA 2011 and CAA 2012 are under preparation. **(Recommendation 6)**

109. It was with the realization of the need for a systematic approach that the NCWC initiated the Mapping and Assessment of the Child Protection System in 2011, which led to the development of National Plan of Action for Child Protection. The NPAC includes provisions for implementation of the CCPA 2011 and the CAA 2012. Although focused on child protection, the plan also provides for the promotion of children's participation and development. The NPAC will be implemented in the 11th FYP period and has been reflected in the sectoral plans of all relevant agencies. The NPAC will significantly enhance the government's capacity to prevent and respond to violence, abuse and exploitation of children. **(Recommendation 13 and 14)**

110. Under the NPAC, a mechanism will be established to ensure the protection of rights of children in all settings including the alternative care. A Child Care and Protection Office have been established under the Central Monastic Body to protect and promote the rights of child monks and nuns. This Office with a designated Child Protection Officer will ensure that the rights of children in the monastic institutions are protected.

111. The NPAC will provide a guide for the establishment of a comprehensive child protection system that will address human rights protection needs of all children, including groups of vulnerable children – Children Affected by HIV/AIDS and children with disabilities. **(Recommendation 32 and 33)**

112. The NCWC and Lhaksam have been collaborating on issues related to CABA. NCWC in collaboration with the MoH and Lhaksam will conduct a needs assessment of CABA, which will provide an enhanced understanding of their situation. The study will culminate in targeted interventions for improved protection, care and support. **(Recommendation 30)**

113. Commercial sexual exploitation of children is prohibited under Section 222,223 and 224 of the CCPA 2011 and Section 373, 375, 377 and 379 of the PCB. Focal officers are being trained to combat commercial sexual exploitation of children and awareness program are also being conducted on a regular basis. **(Recommendation 44)**

114. PCB and CCPC have explicit provisions for child-friendly procedures on cases involving children that require protection of privacy and adult accompaniment during trials. The provisions also outline sentencing of children and allows for the court to release a child on probation or for the child to return home while their presence is not required in the court. A number of police officers have been trained on women and child-friendly procedures and

they provide counseling to children who are in conflict with the law. Child offenders are kept in separate detention centres with rehabilitation facilities. **(Recommendation 48)**

C. People with disabilities

115. To protect and promote the inherent dignity of all, particularly the rights of persons with disabilities, Bhutan signed the Convention on the Rights of Persons with Disabilities in 2010. The government is committed in discharging its responsibilities under this instrument. **(Recommendation 32, 1, 2, 4, 9)**

116. The NPAG (2008–2013) was inclusive of the people with mental health and other disabilities and aimed to give people with disabilities a greater chance of participating in society on the same terms as others. Review of NPAG, which is ongoing, will provide an update on the current scenario and help the government close gaps if any. (With regard to right to education and health for this group, please refer previous section on the same).

117. Through His Majesty's Welfare System, destitute people living with disabilities have also been provided various social security services like monthly stipend, scholarships for their children, fully paid overseas medical treatment, etc.

118. Further, CSOs like YDF, Draktsho Vocational Training Center for Special Children and Youth, DPAB and ABS are actively involved in advocating issues related to people with disabilities and collaborates with the government to work on program that will improve their lives. **(Recommendation 33).**

VII. Achievements, best practices and constraints

A. Achievements

119. MDGs: Bhutan is on track to achieving most MDGs by 2015 or earlier. Poverty rate has dropped from 23.3% in 2007 to 12% in 2012. The Primary GER is currently 118% and the NER is 96%. Infant mortality rate has reduced from 60.5 per 1000 live births in 2000 to 47 per 1000 live births in 2010. Maternal mortality rate has dropped to 146 per 100,000 live births in 2010. HIV cases detected have increased from 38 in 2000 to 297 in 2012. Although HIV/AIDS prevalence is low, it has been identified as a major public health concern and the government accords high priority to combat its spread. Malaria cases dropped steeply from 972 in 2009 to 82 in 2012. Tuberculosis cases have decreased from 1,332 per 100,000 in 2010 to 1,156 per 100,000 in 2012. At present 80% of Bhutan's land area is under forest cover of which 51% is identified as protected areas. Bhutan is a net sequester absorbing more carbon dioxide than it produces. **(Recommendations 67, 68, 69, 85 and 86).**

B. Best practices

1. Free healthcare services

120. Healthcare has always been free in Bhutan. This commitment has been reinforced with its inclusion in the Constitution. The government even bears the cost of medical treatment including travel and living expenses for patients and escorts referred outside Bhutan for specialized care. The employees of civil service are also entitled to a month paid 'medical leave' to escort their relatives referred outside the country for treatment. Medical personnel make periodic visits to religious institutions, schools, mega project sites and prisons to conduct medical checkups and impart health education.

2. Free education

121. The government provides free education to all children from pre-primary to grade 10. Besides tuition, even stationery, textbooks, sports items, boarding facilities and meals are provided free based on needs and depending on the location of the schools. To ensure access to schools within one hour walking distance, the government has established primary schools in remote areas. Where it is not feasible to build primary schools due to lack of a critical mass of students, extended classrooms has been introduced. Given the mountainous terrain and dispersed settlements, providing schools within walking distance is not always possible. Therefore, provision of free hostel facilities and school feeding programs continues to be a key incentive to encourage enrollment and retention, especially of girls in remote and difficult locations.

3. *Kidu* (welfare) system

122. The *Kidu* system is a social safety net instituted by the Monarchs to address the grievances and needs of vulnerable groups such as economically disadvantaged, destitute, people with disabilities, victims of natural disaster, etc. His Majesty the King, recognizing the social and economic role of the system, has personally travelled throughout the country taking *Kidu* to the people, and has professionalized and regularized the system by appointing officials at dzongkhag and gewog levels to identify vulnerable individuals.

4. Non-formal education

123. The NFE program was introduced in the early 1990s with the objective of eradicating illiteracy. It has been successful in reaching out to the most remote communities and has made significant contribution to literacy and access to education by women. NFE program on the whole has played vital role in increasing the overall adult literacy rate to 55.3% while the general literacy rate of 56% in 2007 has increased to 63% in 2012.The program has received global recognition and won the 2012 UNESCO Confucius Prize for Literacy. It is also used as vehicle for imparting important social messages to rural communities and has facilitated participation of prospective leaders in local government elections.

C. Challenges and constraints

1. Illegal immigration

124. Bhutan is a tiny country located in a region marked by vast population movements due to compelling forces of extreme poverty, environmental degradation and political instability. Since 1960, when it started the socio-economic development plan it has faced an influx of illegal immigrants who were economic migrants attracted by better economic opportunities, favorable land-to-people ratio and the small population of the country.

125. The problem of the people in the camps in eastern Nepal is not a typical refugee situation, but complex in nature, with its genesis in illegal immigration. Bhutan remains committed to finding a lasting solution through the bilateral process, based on agreements already reached between the government of Bhutan and Nepal. The channels of communication between Bhutan and Nepal have always remained open. Bhutan appreciates the efforts of the Core Group in resettling people from the camps. These initiatives will contribute towards resolving this protracted humanitarian problem.

126. As a small country with an open and porous border, Bhutan is likely to continue to face the threat of illegal immigration. The success achieved by Bhutan in its development efforts will continue to make it an attractive destination for economic migrants. Illegal immigration if not checked will pose a serious threat to the country's security and its

distinct political and cultural entity. As is the case for all small States, Bhutan's only safeguard against such threats is rule of law and compliance to citizenship and immigration rules and regulations.

2. Terrorism

127. Bhutan has serious security concerns arising from increasing terrorist activities in the country. These terrorist activities have been carried out by armed groups formed outside Bhutan that have declared their intention to enter the country to achieve their political aims through violent means. Prior to the first elections in 2008, these groups were responsible for several bomb blasts inside Bhutan. Since 2010, Several IEDs were planted in the southern districts, out of which 8 exploded injuring a number of civilians. Bhutan needs the full cooperation and understanding of the international community to ensure that threats from terrorism do not undermine the success of democracy.

3. Poverty

128. Bhutan has done remarkably well in terms of poverty reduction. The poverty rate currently stands at 12%. However, the task to eradicate poverty is not easy and fraught with enormous challenges and constraints and progress is highly uneven across districts and sub-districts. There is also the additional challenge to reduce Multi-Dimensional Poverty.

4. Problems of access

129. The rugged mountains and scattered rural settlements make delivery of social services such as health, education, electricity and safe drinking water extremely difficult and expensive. This also causes rural-urban migration which has a ripple effect on other social problems like poverty, unemployment, waste management, etc.

5. Youth unemployment

130. Although the unemployment situation has improved steadily from 4% in 2009 to 2.1% in 2012, the high incidence of youth unemployment remains one of the biggest challenges. Youth unemployment today stands at 7.3%, a marked improvement from 12.9% in 2009; however it is still thrice as much as the national average. It will exacerbate in the next few years when more university graduates enter the job market. To make matters worse, it is also leading to a range of social problems.

6. Current macroeconomic situation

131. Since 2011 the economy has been experiencing unprecedented macroeconomic policy challenges arising from a combination of related factors. These include a surge in capital inflows for hydropower development, rapid credit expansion, successive build-up of current account deficits with India and consequently an acute and persistent shortfall in Rupee reserves. Remedial policy measures to address the lingering Rupee shortfall has resulted in a severe credit crunch in the banking sector, which continues to adversely affect private investment and growth. Managing the Rupee shortage is therefore of high priority to ensure a sound macroeconomic policy framework for effective implementation of Bhutan's development plans.

7. Vulnerability to climate change and natural disasters

132. Bhutan is characterized by rugged topography, high relief, active tectonic processes, and variable geo-climatic conditions. These inherent natural factors as well as social factors like poverty, human encroachment on vulnerable slopes, low literacy etc., have made Bhutan one of the worst disaster prone countries in the world. Owing to its location near the

tectonic plate boundary, the entire territory is seismically active which is evident from the frequently occurring earthquakes in the country.

133. In addition to earthquakes, the northern belt of the country is a location of potentially dangerous glacial lakes posing threats of Glacial Lake Outburst Floods which is further exacerbated by climate change. Owing to climate change, the frequency and intensity of natural disasters has increased in the recent past, causing damage to life, property and the environment.

8. Graduation from LDC

134. Concerning Bhutan's eventual graduation from the LDC category, while it is strongly committed to fulfilling this aspiration by 2020, significant challenges remain in terms of achieving graduation and more importantly in sustaining the process in the post-graduation period. Despite the positive outlook, major challenges remain in strengthening the economy and building resilience against exogenous shocks as it integrates into the global economy and financial system. Key challenges among other include addressing Bhutan's high economic vulnerability.

VIII. Key national priorities, commitments and initiatives

A. National priorities

(a) Strengthen democracy and ensure development of a sound democratic culture

(b) Successful implementation of the 11th FYP

(c) Address youth unemployment

(d) Improve the current macroeconomic situation

B. Commitments

135. Participate and contribute in human rights activities at national and international levels and draw on best practices that can be incorporated into relevant domestic policies and legislations.

136. Being aware of the benefits of collaborating with the CSOs, the government is committed to enhancing closer ties with CSOs.

137. Address the issue of domestic violence, gender gap in tertiary education and women's participation in politics.

138. Continue to study and review human rights instruments. Bhutan has always been of the view that the government must first build the necessary social and political institutions and develop its human resources before it assumes any additional international treaty obligations. In the absence of strong institutions and qualified personnel, it remains seriously constrained in fulfilling the obligations as required in the international treaties/conventions. As its capacity is enhanced, Bhutan will consider ratifying relevant international human rights instruments.

C. Initiatives

139. Meet the People Program: The government has initiated a weekly Meet the People program since August 2013, that allows general public to meet the Prime Minister and other

members of the Cabinet to express their grievances relating to government policies, rules and regulations, public service delivery, governance and any other matters including human rights. The program continues to be a popular avenue for receipt of complaints/problems and enables the government to gauge problems confronting Bhutanese on a daily basis and work towards addressing them.

140. Open Air Prison System: In a significant demonstration of the government's commitment towards protection and promotion of human rights of all, including those convicted under various laws of the country, the Open Air Prison System was initiated in March 2013. These open air prisons serve as a transitory camp and provide an opportunity for re-adjustment, rehabilitation and reintegration of convicts into the society after completion of their sentence. It also provides an opportunity to earn monetary income that may be useful upon their release. As of November 2013, it has benefited 237 prisoners and continues to be a successful program. Recognizing the absence of such program for the small group of female convicts, an agriculture based open air prison for female prisoners was initiated in June 2013.

141. Social Protection Initiatives: Despite a lack of institutionalized social support system, Bhutanese enjoy a relatively high level of social security owing to the free availability of basic social services and the existence of strong familial bond. The welfare system initiated by His Majesty the King serves as a crucial safety net for the most vulnerable section of the society. Despite this, the government is attempting to establish a more concrete social protection system through the following initiatives subject to availability of resources:

(a) Drafting of a Social Protection Policy for Workers in Bhutan;

(b) Formulation of an unemployment benefit scheme;

(c) Institution of a Universal non-contributory old age pension scheme;

(d) Establishment of Old age homes for the elderly.

142. Initiatives of CSOs: CSOs have played a significant role in advancing the welfare of the people with disabilities, people living with HIV/AIDS, juvenile delinquents and addicts, school leavers and economically disadvantaged individuals. They have been instrumental in raising awareness, developing capacity, promoting skills, empowerment and uplifting economically disadvantaged individuals through provision of economic assistance. Recognizing the critical role played by CSOs, the government is committed to collaborating with and providing support to CSOs.

IX. Capacity building and technical assistance requests

143. Technical assistance for capacity building to fulfill international treaty reporting obligations.

144. Technical assistance and cooperation in order to strengthen individual and institutional capacities in international human rights.

145. Technical assistance for capacity development for gender, women's empowerment, child protection, TIP and disaster management.

X. Conclusion

146. Bhutan is deeply committed to ensuring promotion and protection of all human rights of its people. It is equally committed to ensuring that democracy takes firm root in

the country. Bhutan appreciates the support and cooperation extended by the international community in its efforts to promote and protect human rights in a comprehensive manner, including promoting social and economic rights as reflected in its development concept of GNH. Bhutan has incorporated GNH in its public policy in spite of the many challenges that it faces being a small land locked Least Developed Country.

Notes

[1] District Administrative Unit.
[2] Local Administrative Unit consisting of number of villages.
[3] ANER takes into account all 6-12 year old children enrolled in school system both in-country and abroad, children enrolled in the monastic system, and also 6-12 year old children who are enrolled in secondary classes.
[4] His Majesty's Secretariat.

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Bhutan

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full text, please refer to the document referenced. The present report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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Please recycle

I. Background and framework

A. Scope of international obligations[1]

International human rights treaties[2]

	Status during previous cycle	*Action after review*	*Not ratified/not accepted*
Ratification, accession or succession	ICERD (signature only 1973)	OP-CRC-AC (2009)	ICERD
	CEDAW (1981)	OP-CRC-SC (2009)	ICESCR
	CRC (1990)	CRPD (signature only, 2010)	ICCPR
	OP-CRC-AC (signature only, 2005)		ICCPR-OP2
	OP-CRC-SC (signature only, 2005)		CAT
			OP-CAT
			ICRMW
			CRPD
			CPED
Reservations, declarations and/or understandings		OP-CRC-AC (Declaration art. 3, para 2, 2009)	
Complaint procedures, inquiry and urgent action[3]			ICERD
			OP-ICESCR
			ICCPR
			ICCPR-OP1
			CAT
			OP-CEDAW
			OP-CRC-IC
			ICRMW
			OP-CRPD
			CPED

Other main relevant international instruments

	Status during previous cycle	*Action after review*	*Not ratified*
Ratification, accession or succession	Geneva Conventions of 12 August 1949[4]		Convention on the Prevention and Punishment of the Crime of Genocide
			Rome Statute of the International Criminal Court
			Palermo Protocol[5]

Status during previous cycle	*Action after review*	*Not ratified*
		Additional Protocols I, II and III to the 1949 Geneva Conventions[6]
		Conventions on refugees and stateless persons[7]
		ILO fundamental conventions[8]
		ILO Conventions Nos. 169 and 189[9]
		UNESCO Convention against Discrimination in Education

1. The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Bhutan to ratify the Convention against Discrimination in Education.[10]

B. Constitutional and legislative framework

2. In its report, *A Situation Analysis of Children, Youth and Women in Bhutan in 2012*, the United Nations Children's Fund (UNICEF) stated that the Child Care and Protection Act, 2011, provided recourse against child violence, abuse and exploitation, and enshrined the best interests of the child.[11] In the mapping and assessment of the current situation of child protection in Bhutan and the National Plan of Action for Child Protection, 2012, the authors reported that for the first time a comprehensive costing was presented to legislators to inform them of the resources required for enactment of the Act. Despite this, the Government and its partners had yet to make substantial investments in child protection.[12]

3. According to the Plan of Action, the National Commission for Women and Children was in the process of drafting the rules and regulations for the Child Care and Protection Act, which were required to clarify operationalization of several of its provisions.[13] They would be needed to establish procedures to guide determination of the best interests of the child and for the establishment and regulation of an alternative care system, including foster care, guardianship and residential facilities.[14] While the recent establishment of the Bhutan National Legal Institute and support for training was noted in the report, it was indicated that only following finalization of the regulations would judicial training on the application of the Act be conducted in full.[15]

4. In the Plan of Action it was noted that although Bhutan was not a member of the International Labour Organization (ILO),[16] the regulations of the Labour and Employment Act, 2007, were to be reviewed in 2012, with the goals of strengthening the protection of children from child labour and further alignment with ILO conventions.[17] Regulations under the Labour and Employment Act specified acceptable forms of child labour and set standards for inspection of formal workplaces by labour inspectors, which were carried out in all enterprises at least once a year. Those standards did not cover informal workplaces, including domestic settings and agriculture.[18]

5. In the framework of the follow-up to, and implementation of, its concluding observations on the seventh periodic report of Bhutan, the Committee on the Elimination of Discrimination against Women (CEDAW) considered that the recommendation to enact legislation on domestic violence had been implemented,[19] with Bhutan reporting that the

Domestic Violence Prevention Act, 2013, criminalized acts of domestic violence and looked at providing protection services to victims and survivors, including shelter and security.[20]

C. Institutional and human rights infrastructure and policy measures

6. In the Plan of Action it was noted that, although the Child Care and Protection Act, 2011, provided for the establishment of a national child welfare committee, currently there was no such committee.[21] The establishment of an effective organization within the Government was seen as critical for implementing the child protection programme and coordinating activities between stakeholders. That would allow the National Commission for Women and Children to focus on its mandate of developing policies, regulating and monitoring rights issues and reporting to international bodies.[22]

7. In the Plan of Action it was emphasized that the Bhutan multiple indicator survey, 2010, was a milestone, demonstrating a new capacity for collaboration in data management and providing quality data on the situation of women and children. There were opportunities to collect additional relevant data through the planned demographic health survey, 2012/2013, and the Bhutan living standards survey, 2012.[23]

8. UNICEF reported that the national youth policy in 2011 was informed by an assessment of vulnerable and at-risk adolescents to ensure its approach was equitable and reached the most vulnerable and excluded youth across the country.[24] In the Plan of Action it was noted that such recent policies as the youth policy, the early childcare and development policy (draft) and the special education policy addressed some child protection issues.[25]

9. UNICEF emphasized that Bhutan devoted a very high share of public expenditure to the social sectors.[26] The budget for 2011–2012 was confirmed as pro-poor, with about 25 per cent earmarked for the social sector, including 17 per cent for education and 7 per cent for health care.[27] In the draft United Nations Development Assistance Framework, Bhutan One Programme 2014–2018, it was stated that the Bhutanese concept of Gross National Happiness (GNH) promoted a balanced approach to development, encompassing good governance, conservation and community vitality, in addition to traditional socioeconomic progress indicators, and that this development paradigm, prudent economic management and political stability had brought about a significant rise in living standards and an improvement in development indicators.[28]

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies[29]

1. Reporting status

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
CEDAW	July 2009	–	–	Eighth and ninth reports due in 2014

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
CRC	October 2008	–	–	Third to fifth reports overdue since 2012. Initial report on OP-CRC-AC overdue since 2012 and initial report on OP-CRC-SC overdue since 2011

2. **Responses to specific follow-up requests by treaty bodies**

Concluding observations			
Treaty body	*Due in*	*Subject matter*	*Submitted in*
CEDAW	2011	Political participation and violence against women[30]	2013[31] Follow-up ongoing[32]

B. Cooperation with special procedures[33]

	Status during previous cycle	*Current status*
Standing invitation	No	No
Visits undertaken	Arbitrary Detention (1994) and follow-up (1996)	–
Visits agreed to in principle	–	Education
Visits requested	Freedom of religion or belief	–
Responses to letters of allegation and urgent appeals	During the period under review no communications were sent.	

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

10. In the draft Bhutan One programme the authors referred to the gender gap with respect to the participation of women and girls in politics and decision-making. They continued to lag behind in participation in the labour force, in rates of literacy and in participation in tertiary education. They were also vulnerable to violence.[34] In its study on the situation of violence against women in Bhutan, the National Commission for Women and Children recommended continued support for women, particularly rural women, as a priority, by building their financial autonomy through special economic empowerment programmes[35] and through the support of local government and financial institutions for access to loans for income generation and for opening a savings account.[36]

11. UNICEF pointed out that the projections of the National Statistics Bureau put the population in 2012 at around 720,000 (52 per cent male and 48 per cent female).[37]

According to the baseline survey for the Royal Society for Senior Citizens, a total of 101,563 Bhutanese (or around 14 per cent of the population) were estimated as "old", i.e. aged 55 years and above, of which 62 per cent were male and 38 per cent were female.[38]

12. In the Plan of Action it was explained that social discrimination, traditionally based on profession and to a smaller extent on area of residence, was extensive. Thus, blacksmiths, sweepers, serfs, migratory communities, residents living in areas where rice was not grown, highlanders, etc., were discriminated against. Although such discrimination was no longer rampant, some families, particularly among the older generation, still practised discrimination when it came to marriage and occasionally while serving food. However, that was in contravention of the law.[39]

13. The Plan of Action stated that 99.9 per cent of children were registered with a health card, which did not, however, entitle the holder to citizenship.[40] It was through registration with the Department of Civil Registration and Census that many of a child's rights were conferred, including the right to Bhutanese nationality.[41] It was also reported that many families would not name a newly born child for weeks, anticipating that a name would be given by a venerated monk. For such reasons, birth registration with the Department within a few weeks after birth could be problematic.[42] However, in an effort to streamline vital registration, the Department had computerized the civil registration system and reduced the timeline for registration of birth to 30 days. It had also drafted standard operating procedures for civil and death registration that were awaiting approval.[43]

14. In the Plan of Action, it was explained that the Citizenship Act (1985) guaranteed citizenship to individuals whose parents were both citizens of Bhutan. The Act guaranteed the right to apply for citizenship through naturalization to a person who had attained 21 years of age, or 15 years of age if either parent was a Bhutanese citizen. However, the person must have resided in the country for at least 15 years if either parent was a Bhutanese citizen and at least 20 years in all other cases and this period of residence must be recorded in the records of the Department of Civil Registration and Census.[44] The Plan of Action referred to concerns regarding the civil registration of children born to Bhutanese women where the identity of the father could not be ascertained. This was largely because both parents must be verified as citizens of Bhutan before the child could be granted civil registration. According to the Plan of Action, there were children in Bhutan who remained unregistered until naturalization could take place at the age of 15 or later.[45]

B. Right to life, liberty and security of the person

15. UNICEF reported that despite the pace of modernization, traditional practices such as early marriage, corporal punishment and child labour continued.[46]

16. UNICEF also stated that the use of corporal punishment in monastic institutions had been banned by a decree of the *Je Khenpo*, the highest authority in the monastic body. Although an assessment carried out in November 2010 found that physical punishment (spanking, beating and whipping) was still used as a last resort against recalcitrant novices in about 10 per cent of monastic institutions, most of them were now using alternative forms of discipline.[47] UNICEF also referred to article 11 of the Child Care and Protection Act, which provided that programmes and services established under it should be culturally appropriate, including any rules that might be required for disciplining children. Specific rules under the Act were still being drafted.[48]

17. UNICEF reported that violence against women was still an issue that needed to be recognized and addressed.[49] According to the Bhutan multiple indicator survey in 2010, 68 per cent of women aged between 15 and 49 reported that they believed that a husband was justified in beating his wife or partner in various circumstances, such as if she went out

without telling him; if she neglected the children; if she refused to have sex with him; or if she burnt the food.[50] The study on violence against women noted that most common non-partner perpetrators of physical and emotional violence were fathers and teachers, indicating an unsafe environment at home and at school.[51] UNICEF also noted that in rural areas where informal systems exist, including for reporting and action in cases of violence against children and women, some child protection cases might be adjudicated at the community level by officials who might not have been sensitized to child rights issues.[52] The study on violence against women recommended, inter alia, strengthening gender sensitization through incorporation of human rights-related content in formal and non-formal education.[53]

18. The Plan of Action referred to data from the 2010 multiple indicator survey, demonstrating that child marriage remained common at 30.8 per cent, despite its prohibition by law. This might be explained by the fact that formal marriage proceedings and the issuance of marriage certificates were relatively new and not traditionally practised. It was alleged that the practice of *sergemathang/khotkin* in the eastern part of the country, whereby marriages between cousins and in-laws were encouraged, could also increase child marriages. Reportedly, the Marriage Act 1980 did not contain any provision for services for children who were at risk of being subjected to child marriage. The absolute requirement for marriage certificates that was currently being advocated could help to discourage child marriage.[54]

19. According to the Plan of Action, the traditional practice of "night hunting", a courtship practice preceding marriage, has been misused. However, there was limited data available on the prevalence or context of night hunting, which was defined as a practice in rural parts of the country where a boy would go out at night and enter a girl's house for sex. In most instances, this would be prearranged between the boy and the girl.[55]

20. According to UNICEF, a survey carried out by the National Commission for Women and Children in 2009 among a sample of predominantly (90 per cent) out-of-school working children from different regions of Bhutan found that 14.3 per cent were below the minimum working age of 13 as specified in the Labour and Employment Act. Most of the children surveyed were working in the service sector as domestic helpers or in hotels and the agricultural sector. Eleven per cent of the sample reported being subjected to the worst forms of child labour (such as heavy labour) or to abuse in the form of confinement, denial of food and leisure and sexual abuse. Boys were more exposed to accidents and injuries and girls to sexual exploitation. Those working in the formal employment sector were reportedly doing so without contracts or clear job descriptions.[56]

21. In the framework of the follow-up to its concluding observations on the seventh periodic report of Bhutan, CEDAW noted that Bhutan had carried out a study on trafficking in persons.[57] Bhutan reported that programmes were being conducted to address lack of awareness and capacity.[58]

C. Administration of justice, including impunity and the rule of law

22. In the context of follow-up to its concluding observations, CEDAW did not receive information as to whether its recommendations had been implemented on increasing access to justice for women victims of violence and on adopting measures to increase the number of women working on the issue of violence against women, including in the police force and other law enforcement agencies.[59]

23. The Plan of Action stated that the Child Care Protection Act made provision for the establishment of a comprehensive national child justice system. Under both the constitution and the Act, children in conflict with the law were entitled to legal and other appropriate

assistance. In principle, free legal representation should extend to any child in the country, irrespective of nationality, but those provisions had not been translated into practice.[60]

24. UNICEF indicated that the Penal Code of Bhutan, 2004, as amended in 2011, set the age of criminal responsibility at over 12. The Penal Code and the Child Care and Protection Act provided alternatives to incarceration.[61] In the Plan of Action it was stated that, based on police records, 415 children had come into conflict with the law in the previous 12 months, of whom the vast majority (395) were male. (Data were only available where an arrest was made: 106 children (103 males and 3 females) were detained before sentencing and 46 received a custodial sentence. Of 55 children tried or convicted of a crime in 2011, the statistics of the Royal Court of Justice showed that 78 per cent of cases were for petty misdemeanours or misdemeanours. Given the prevalence of minor offences, there was concern that custodial sentences were reportedly handed down to 46 children, further indicating a need for reformed procedures to ensure that detention was used only as a last resort.[62]

D. Right to privacy, marriage and family life

25. In the country snapshot on HIV and men who have sex with men for Bhutan, December 2012, prepared by the United Nations Development Programme, the Joint United Nations Programme on HIV/AIDS and others, it was reported that there were criminal sanctions for consensual sex between male adults. Specifically, the Penal Code of 2004 criminalized sodomy or any other sexual conduct that was against the "order of nature". Penalties included a prison sentence of up to one year.[63] The National Strategic Plan II for Prevention and Control of STIs, HIV and AIDS in Bhutan, 2012–2016, called for review of article 213 of the Penal Code and the use of new guiding principles, many of which promoted enabling environments for men who have sex with men.[64]

26. In the Plan of Action it was reported that 5.4 per cent of children were orphans and 7.4 per cent lived without a biological parent.[65] The Child Care Protection Act, 2011, and the Child Adoption Act, 2012, provided guidance on alternative care and the rights of children without adequate family care. The Child Care Protection Act made provision for child homes, remand homes, special homes, closed facilities and after care homes; however, it did not make provision for any other form of alternative care, such as fostering or kinship care. There was an informal tradition of kinship care for which regulation or monitoring mechanisms were lacking.[66] One transit shelter operated in Thimphu; however, it lacked proper assessment processes to determine the needs and best interests of the children placed there.[67] UNICEF reported that Bhutan needed more social workers, particularly females, together with a formalized system of alternative care for children without primary caregivers or with disabilities.[68]

27. In the Plan of Action it was reported that an estimated 5,609 children (5,116 males and 493 females) lived in monastic institutions. Of those, 743 boys and no girls were reported to have joined due to lack of adequate family care.[69] UNICEF indicated that an assessment of the conditions of young monks and nuns carried out in November 2010 found that, in most institutions, sleeping quarters were small and overcrowded (with an average of between 6 and 15 children in one sleeping area). Sanitary conditions were poor and educational standards were also in need of improvement.[70]

28. In the Plan of Action it was reported that the Child Adoption Act, 2012, regulates both domestic and intercountry adoption.[71] In 2011, 12 children were adopted, of whom 11 were adopted domestically and one internationally. The courts had final authority in granting both domestic and intercountry adoption placements.[72] Most adoptions took place from the hospitals where mothers left their babies; others took place informally when single

mothers or women who were economically challenged gave up their children for adoption.[73]

E. Freedom of expression, association and peaceful assembly, and right to participate in public and political life

29. UNESCO encouraged Bhutan to develop self-regulatory mechanisms for the media, decriminalize defamation and place it in the civil code in line with international standards. It also invited Bhutan to consider adopting a freedom of information law that was in accordance with international standards.[74]

30. In the Plan of Action it was reported that all civil society organizations must be registered with the Civil Society Organization Authority. Civil society organizations were expected to adhere strictly to their documented mandate; to change their programme focus they would need to negotiate with the Authority.[75] In the draft Bhutan One programme it was indicated that it would be essential to further strengthen the capacity of civil society organizations to enable them to play their role effectively and to engage the media increasingly as a development change agent.[76]

31. The draft Bhutan One programme referred to the transition of Bhutan to a parliamentary democracy in 2008, indicating that challenges remained, such as the lack of a longstanding democratic culture in the country and the need to strengthen accountability. Effective and active participation was another area that would require continued attention, with a particular focus on the participation of women and youth.[77]

32. In the framework of follow-up to its concluding observations, CEDAW assessed the implementation of recommendations it had made on political participation. It considered that Bhutan had partially implemented one recommendation by carrying out studies on women and elections,[78] but had not implemented another recommendation as no temporary special measures had been taken. Not having received information on the review of criteria barring women's access to decision-making, CEDAW was unable to assess whether a further recommendation had been implemented. While noting the absence of awareness-raising activities about the importance of women taking up decision-making positions, CEDAW noted that Bhutan had taken some steps by training women for the functional literacy test and considered that another recommendation had been partially implemented.[79]

F. Right to work and to just and favourable conditions of work

33. UNICEF reported that the youth unemployment rate, currently 7.3 per cent, was one of the greatest challenges for Bhutan. In particular, in urban areas where the unemployment rate rose to 13.5 per cent, unemployed youth were vulnerable to risky and destructive behaviour.[80] Nearly 70 per cent of the total unemployed were women.[81] UNICEF recommended that the Government review and address gaps in technical and vocational education and training policies and develop new policies (e.g., covering minimum wage and targeted incentives for youth employment in the private sector).[82]

G. Right to social security and to an adequate standard of living

34. UNICEF reported that modernization and urbanization were widening the gaps between rich and poor and eroding traditional extended family ties. With extreme poverty increasing and traditional safety nets weakening, new demands were putting pressure on the social welfare network. Existing social protection measures were provided by the King's *kidu* (welfare) system, along with civil society and non-governmental organizations

(NGOs); however, there was not yet a government social security system in place.[83] Social protection was an area where capacity could be developed, with particular potential for focusing on vulnerable children. Social services for troubled adolescents and youth, including substance abusers, had come on stream only in the last three or four years. Complementarities between the *kidu* system, NGO initiatives and government responsibilities must be assured.[84]

35. According to the baseline survey for the Royal Society for Senior Citizens, the senior citizens who were worst hit by social misfortunes were those who had no non-labour incomes, such as a pension or other assets. Respondents to the survey suggested that people should make some form of contribution to insurance schemes while young, so that they could reap the benefits later in life. The establishment of old-age retirement homes was also recommended.[85]

36. UNICEF emphasized that poverty levels had significantly declined.[86] However, nearly a quarter of the population still lived below the official poverty line and while this number was going down, the proportion living in extreme poverty (currently 6 per cent) was going up. There were also regional disparities: people were poorer in the east and south of the country.[87] Although income poverty remained predominantly a rural phenomenon and rural development was a key to poverty reduction,[88] urban poverty was emerging as a new challenge,[89] with rental costs for housing playing a part.[90]

37. UNICEF pointed to disparities in income poverty between *dzongkhags* (districts) and *gewogs* (subdistricts).[91] In the draft Bhutan One programme it was reported that the *dzongkhags* of Zhemgang, Lhuentse, Mongar, Trashigang and Pemagatshel appeared to be at a clear disadvantage.[92] UNICEF referred to a 2010 study, which revealed large variations in poverty incidence within *dzongkhags*. For example, in Chukha *dzongkhag*, in the extreme south-west, rural poverty rates ranged from 6 per cent in Bjachho *gewog* to 55 per cent in Logchina *gewog*. Areas with high levels of poverty had poor access to roads, markets, electricity and education.[93]

38. According to UNICEF, malnutrition was responsible for nearly half of all deaths of children under the age of five. One mother in 10 gave birth to a low birth-weight baby. Early marriage (and subsequent early childbirth) was one reason for this, while poverty, illiteracy, inadequate knowledge of maternal health care and nutrition, food insecurity and inadequate antenatal care were all associated with the poor nutritional status of children under the age of five, of whom one third were stunted. The knowledge of parents and caregivers about child nutrition was weak and micronutrient deficiencies were prevalent among women and children. Food security was still a challenge for many families: 1 household in 10 had insufficient food to feed the family for a quarter of the year.[94] In the draft Bhutan One programme, it was suggested that addressing chronic malnutrition would require a comprehensive approach that included providing a healthy environment, safe water and sanitation and proper childcare, encouraging exclusive breastfeeding and improving education and the health of mothers.[95]

H. Right to health

39. Despite the achievements of the community-based health system, with health services reaching 95 per cent of the population, UNICEF observed that a coverage rate of two doctors per 10,000 persons was insufficient. Inadequate levels of staffing at basic health units, especially in remote areas, and lack of adequate capacity development of community-level health workers had become a constraint on the quality of health service delivery.[96] With most maternal and neonatal deaths occurring in the first two days after birth,[97] the deployment and retention of more female health workers was one of the

necessary means to encourage women to use antenatal and postnatal services and to deliver their babies in health facilities.[98]

40. According to UNICEF, in terms of specific outcomes, Bhutan was at risk of missing Millennium Development Goal 4 A: reducing the mortality rate of children under five by 2015. There was a clear need to address the causes of diarrhoeal diseases, for example, by providing piped water to all households, expanding access to improved sanitation facilities and instilling behaviour change on hand-washing with soap. There was also a need to address acute respiratory infections by reducing air pollution in homes from solid-fuel cooking fires. More emphasis needed to be placed during women's antenatal and postnatal care visits on the importance of exclusive breastfeeding and appropriate complementary feeding for young children.[99]

41. It was reported in the draft Bhutan One programme that young people were particularly vulnerable to reproductive health issues, especially given the high rates of early childbearing. Sexually transmitted infections and HIV rates were disproportionately high among young people, owing in part to changing social norms and the lack of youth-friendly health services.[100] UNICEF suggested that services on subjects that concern young people, especially adolescent girls, such as reproductive tract infections and sexual health education, needed to be integrated into and expanded in education and the health-care services, in order to reduce dropout from schools and increase the utilization of health-care services by young women.[101]

42. In the country snapshot it was reported that an estimated 988 people, or fewer than 0.1 per cent of the adult population, were living with HIV in Bhutan, making it a low-prevalence country. A recent behavioural assessment in two major towns found evidence of high-risk behaviour among key affected populations, including men who have sex with men.[102] While HIV prevalence was extremely low, new cases were emerging, leading UNICEF to call for constant education and awareness-raising, particularly among youth and at-risk groups.[103]

43. According to the draft Bhutan One programme, the impact on health due to climate change was becoming visible with the emergence of new patterns of vector-borne diseases, such as malaria, dengue, *chikungunya* and water-borne diseases. Additionally, the prevalence of non-communicable diseases had risen considerably and now accounted for 75 per cent of the reported burden of disease.[104]

I. Right to education

44. UNICEF noted that the Bhutan multiple indicator survey in 2010 revealed that 26 per cent of young people aged between 15 and 24 had never attended formal school. Only 40 per cent of children were enrolled at the appropriate age. There were huge disparities in school attendance between rural and urban settings and strong correlations between the economic status of districts and the average level of schooling attained. Urban secondary-level attendance rates were below 50 per cent. Although Bhutan had surpassed the Millennium Development Goal targets for gender equality, this applied only at primary and lower secondary levels. Female enrolment in schools declined steadily with the higher grade levels and only 8 per cent of students who transferred to tertiary institutes were female.[105] The adult literacy rate was over 52.8 per cent for the whole population, but only 29 per cent for rural women. Non-formal education and other innovations had boosted literacy.[106]

45. UNICEF pointed out that the highest priority must be to encourage young women to complete their secondary education.[107] Sanitation in schools needed improvement, particularly to boost school enrolment among girls.[108] Improvement of retention and

completion rates needed constant attention, especially to enable more female students to transition through secondary to tertiary education. Expanding the very limited provision of vocational and technical training and education would require investment and the development of relevant course curricula. Sustained effort was needed to reach the 2 per cent of school-age children who remained out of school, mostly owing to poverty. Others in the same situation included migratory communities and children with special needs. Special efforts were also needed to reach children with disabilities and working children.[109] UNICEF suggested expanding the early childhood and care development programme to benefit members of communities who are often excluded, such as children with disabilities and their families.[110]

46. UNESCO encouraged Bhutan, inter alia, to intensify its efforts to make primary education compulsory, free of all costs and accessible for all children; and to implement additional measures to ensure the right to education for children from ethnic minorities and for children living in rural and remote areas.[111]

J. Persons with disabilities

47. UNICEF referred to the results of a study on disability among children aged between 2 and 9, which indicated the prevalence of all types of disability at 21 per cent.[112]

K. Migrants, refugees and asylum seekers

48. Regarding the people in refugee camps in the eastern part of a neighbouring country, UNICEF stated that the Government of Bhutan remained committed to resolving the issue through the bilateral process based on past agreements. The readiness of Bhutan to resume bilateral talks with the Government of the neighbouring country and the willingness of the United Nations to support those efforts, if so requested, had been reiterated at the eleventh round-table meeting in September 2011.[113]

L. Right to development and environmental issues

49. In the draft Bhutan One programme it was reported that the relatively high per capita income of the country derived mainly from the substantial revenues it earned from the export of hydropower. That was a capital-intensive economic activity with low labour requirements. The economy was still very much dominated by agriculture, raising livestock, forestry and logging, and for many rural communities this translated into subsistence living close to the poverty line and vulnerability to external shocks and changes.[114]

50. In the draft Bhutan One programme it was also reported that the endemic threat of natural disasters and vulnerability to climate change, given the frequency of natural disasters, would continue to have a significant impact on economic development, in particular on the hydropower sector, which was disproportionately affected by water scarcity and unpredictability, and on the agriculture sector owing to loss of arable land and livelihood opportunities. Bhutan's cultural heritage also came under threat in those circumstances with direct consequences for community resilience given the importance of religious buildings in particular as part of local coping systems.[115]

51. In the draft Bhutan One programme it was emphasized that rapid urbanization had been identified as one of the major emerging challenges, with over 31 per cent of the total population now living in urban areas. It was estimated that by 2020, the urbanization level would be between 50 and 73 per cent and that there would be an additional urban

population of between 180,000 and 360,000. Rapid urbanization was expected to give rise to a series of problems, such as increasing congestion, sanitation issues and health-related problems, environmental concerns and socioeconomic problems, including more poverty and greater economic disparities, and higher levels of unemployment and underemployment, especially among the youth.[116]

Notes

[1] Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on Bhutan from the previous cycle (A/HRC/WG.6/6/BTN/2).

[2] The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

[3] Individual complaints: ICCPR-OP 1, art 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art.5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.

[4] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

[5] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[6] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed

Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

[7] 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

[8] International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

[9] International Labour Organization Convention No.169 concerning Indigenous and Tribal Peoples in Independent Countries and Convention No.189 concerning Decent Work for Domestic Workers.

[10] UNESCO submission to the universal periodic review of Bhutan, para. 35 and see also para. 37.

[11] UNICEF, *A Situation Analysis of Children, Youth and Women in Bhutan, 2012* (2013), p.1.

[12] National Commission for Women and Children, "Mapping and assessment and National Plan of Action for Child Protection" (2012), p.42.

[13] Ibid., p.23.

[14] Ibid., p.15.

[15] Ibid., p.23.

[16] Ibid., p.16.

[17] Ibid., p.17.

[18] Ibid., p.15.

[19] Letter from CEDAW to the Permanent Mission of Bhutan to the United Nations Office and other international organizations in Geneva, dated 15 November 2013, available from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BTN/INT_CEDAW_FUL_BTN_15775_E.pdf (accessed on 10 January 2014).

[20] CEDAW/C/BTN/CO/7/Add.1, pp. 4 and 5.

[21] National Plan of Action for Child Protection, p. 35.

[22] Ibid., p. 42.

[23] Ibid., p. 40.

[24] *Situation Analysis of Children, Youth and Women*, p.104.

[25] National Plan of Action for Child Protection, pp. 5 and 14.

[26] *Situation Analysis of Children, Youth and Women*, p. 9.

[27] Ibid., p.1.

[28] Draft United Nations Development Assistance Framework, draft "Bhutan One programme 2014–2018", May 2013, p. 10.

[29] The following abbreviations have been used for this document:

CEDAW	Committee on the Elimination of Discrimination against Women
CRC	Committee on the Rights of the Child.

[30] CEDAW/C/BTN/CO/7, para. 42.

[31] CEDAW/C/BTN/CO/7/Add.1.

[32] Letter from CEDAW to the Permanent Mission of Bhutan to the United Nations Office and other international organizations in Geneva., dated 15 November 2013.

[33] For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.

[34] Draft Bhutan One programme, para.63.

[35] National Commission for Women and Children, "Study on the situation of violence against women in Bhutan" (2012), p.94, recommendation 4.

[36] Ibid., p.93.

[37] *Situation Analysis of Children, Youth and Women*, p.8.

[38] UNDP and the Royal Society for Senior Citizens, "Baseline survey for Royal Society for Senior

Citizens", p.6.
[39] National Plan of Action for Child Protection, p. 18.
[40] Ibid., p. 16.
[41] Ibid., p. 8.
[42] Ibid., pp. 15 and16.
[43] Ibid., p. 15.
[44] Ibid.
[45] Ibid., p. 16.
[46] *Situation Analysis of Children, Youth and Women*, p. 106.
[47] Ibid., p. 85.
[48] Ibid., pp. 18 and 75.
[49] Ibid., p.4.
[50] Ibid., p.4, footnote 17. See also, National Statistics Bureau, "Bhutan multiple indicator survey 2010", pp.174–176.
[51] Situation of Violence Against Women in Bhutan, pp. 60, 63 and 68.
[52] *Situation Analysis of Children, Youth and Women*, p.19.
[53] Study on the situation of violence against women in Bhutan 2012, p. 94, recommendation 1.
[54] National Plan of Action for Child Protection, p. 17.
[55] Ibid., p. 20.
[56] *Situation Analysis of Children, Youth and Women*, 2013, pp. 82 and 83.
[57] Letter from CEDAW to the Permanent Mission of Bhutan to the United Nations Office and other international organizations in Geneva., dated 15 November 2013.
[58] CEDAW/C/BTN/CO/7/Add.1, p. 6.
[59] Letter from CEDAW to the Permanent Mission of Bhutan to the United Nations Office and other international organizations in Geneva, dated 15 November 2013.
[60] National Plan of Action for Child Protection, p. 22.
[61] *Situation Analysis of Children, Youth and Women*, p.80.
[62] National Plan of Action for Child Protection, p. 9.
[63] UNDP, UNAIDS and others, "Country snapshot on HIV and men who have sex with men, Bhutan", December 2012, p.2.
[64] Ibid., p.2.
[65] National Plan of Action for Child Protection, p. 9.
[66] National Plan of Action for Child Protection, p. 21.
[67] National Plan of Action for Child Protection, p. 29.
[68] *Situation Analysis of Children, Youth and Women*, p. 107.
[69] National Plan of Action for Child Protection, p. 9.
[70] *Situation Analysis of Children, Youth and Women*, p. 84.
[71] National Plan of Action for Child Protection, p. 15.
[72] Ibid., p. 29.
[73] Ibid., p. 30.
[74] UNESCO submission, paras. 42–44.
[75] National Plan of Action for Child Protection, p. 38.
[76] Draft Bhutan One programme, para. 59.
[77] Ibid., para. 57.
[78] See also, National Commission for Women and Children with support from the United Nations, "Study report on participation of women in 2011 local government election", 2012..
[79] Letter from CEDAW to the Permanent Mission of Bhutan to the United Nations Office and other international organizations in Geneva, dated 15 November 2013.
[80] *Situation Analysis of Children, Youth and Women*, p.3.
[81] Ibid., p.4.
[82] Ibid., p.100.
[83] Ibid., p.4.
[84] Ibid., p.73.
[85] Baseline survey for Royal Society for Senior Citizens, p.44.
[86] *Situation Analysis of Children, Youth and Women*, p.9.
[87] Ibid., p.3.

[88] Ibid., p.10.
[89] Ibid., p.3.
[90] Ibid., p.11.
[91] Ibid., p.10 and draft Bhutan One programme, para. 50.
[92] Draft Bhutan One programme, para. 52.
[93] *Situation Analysis of Children, Youth and Women*, p.10.
[94] Ibid., pp. 2 and 3.
[95] Draft Bhutan One programme, para. 55.
[96] *Situation Analysis of Children, Youth and Women*, p.105.
[97] Ibid., p.23.
[98] Ibid., p.3.
[99] Ibid., p.105. See also, p.3.
[100] Draft Bhutan One programme, para. 65.
[101] *Situation Analysis of Children, Youth and Women*, p.3.
[102] Country snapshots on HIV and men who have sex with men, p.1.
[103] *Situation Analysis of Children, Youth and Women*, p.4.
[104] Draft Bhutan One programme, para. 66.
[105] *Situation Analysis of Children, Youth and Women*, p.106.
[106] Ibid., p.3.
[107] Ibid., p.106.
[108] Ibid., p.4.
[109] Ibid., p.106.
[110] Ibid., p.54.
[111] UNESCO submission, paras. 38–40.
[112] *Situation Analysis of Children, Youth and Women*, p.4.
[113] Ibid., p.18.
[114] Draft Bhutan One programme, para. 71.
[115] Ibid., para. 67.
[116] Ibid., para. 61.

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Bhutan*

The present report is a summary of 5 stakeholders' submissions[1] to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

I. Information provided by other stakeholders

A. Background and framework

1. Scope of international obligations

1. Christian Solidarity Worldwide (CSW) noted that Bhutan, during its previous Universal Period Review (UPR), received several recommendations that it should ratify additional conventions, which Bhutan indicated that it was actively considering.[2] Alliance Defending Freedom (ADF) recommended that Bhutan ratify or accede to all core international human rights instruments such as the International Covenant on Civil and Political Rights, the International Covenant on Economic Social and Cultural Rights and the Convention against Torture,[3] with CSW also recommending the specific ratification of the International Convention on the Elimination of All Forms of Racial Discrimination.[4]

2. Constitutional and legislative framework

2. ADF commented that, since the first UPR of Bhutan held on 4 December 2009, Bhutan had made progress as a new democratic republic securing for its citizens in greater measure certain freedoms and rights. Additionally, Article 7 of the Constitution recognized, among others, the Fundamental Rights of Bhutanese citizens.[5] However, in spite of those constitutional protections and international commitments, Bhutan had enacted several laws which restricted the fundamental rights of its citizens, especially the freedom of association, right to equality, right to privacy and the freedom of religion or belief of individuals.[6]

B. Cooperation with human rights mechanisms

3. CSW highlighted that: Bhutan during its previous UPR, received recommendations to accept a request for a visit by the UN Special Rapporteur on freedom of religion or belief, which had been awaiting a response since 2006; and that Bhutan had indicated its commitment to constructive engagement with UN human rights mechanisms, but had taken no action to invite the Special Rapporteur.[7] ADF recommended that Bhutan accept visits from United Nations Special Rapporteurs, and in particular accept the request made by the Special Rapporteur on freedom of religion or belief to visit the country.[8]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Right to life, liberty and security of the person

4. According to the Global Initiative to End All Corporal Punishment of Children (GIEACPC), corporal punishment was permitted in the home, schools and alternative care settings.[9]

5. GIEACPC further indicated that the prohibition of corporal punishment at home was included in a recommendation to Bhutan during its review under the first cycle of the UPR in 2009.[10] According to GIEACPC, the Government did not categorically accept or reject the recommendation but stated that existing legislation adequately addressed corporal punishment in the home, that the Child Care and Protection Bill would strengthen this, and that no new legislation on corporal punishment was being considered.[11]

6. GIEACPC expressed the hope that the Working Group would note with concern the legality of corporal punishment in Bhutan; and that States would make a specific recommendation that legislation be enacted in Bhutan to explicitly prohibit corporal punishment of children in all settings, including the home, as a matter of priority.[12]

2. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

7. CSW stated that the domestic legislative framework governing the right to freedom of religion or belief was established primarily in the Constitution of 2008, particularly its articles 3 and 7, the Penal Code of 2004 (amended in 2011), and the Religious Organizations Act of Bhutan, enacted in 2007, which set up a system for the registration and administration of religious organisations.[13]

8. CSW and ADF reported that measures restricting religious conversions raised a number of human rights concerns.[14] CSW reported that arising from article 7(4) of the Constitution were additional measures which limited the right to manifest a religion or belief in the area of conversion. Article 5 of the Religious Organizations Act of Bhutan stipulated the responsibilities incumbent on registered religious organisations. Those responsibilities included that no religious organisation should "Compel any person to belong to another faith, by providing reward or inducement for a person to belong to another faith" (5(g)). CSW further noted that the Penal Code (Amendment) Act of Bhutan 2011 introduced a new section 463A, which stated that "A defendant shall be guilty of the offence of compelling others to belong to a new faith if the defendant uses coercion or other forms of inducement to cause the conversion of a person from one religion or faith to another". This was punishable by up to three years in prison.[15]

9. CSW pointed out that the lack of clear definitions of terms such as "inducement" placed legitimate and peaceful religious activities at risk of legal sanction. This applied to religious teaching, charitable services, education, or any activities which involved the possibility of conversions occurring. The law in Bhutan should make a clearer distinction between which activities were and were not permissible in the context of propagating religion.[16] Generalised restrictions relating to conversions also risked promoting negative attitudes towards legitimate activities and those carrying out such activities. This allegedly contributed to the marginalisation of the Christian community, which had also experienced opposition from local officials in rural areas of the country, and had contributed to a perception among many Christians that they did not enjoy the right to freedom of religion or belief in Bhutan.[17]

10. ADF added that the potential for misuse and arbitrary action due to vague terminology had been witnessed in instances of violence and arbitrary action against the minority Christian community in the nation of Bhutan.[18] ADF recommended that Bhutan take all necessary action to promote and ensure freedom of religion or belief for individuals of all faiths by repealing relevant provisions in the constitution and the penal code which restricted the religious freedom of citizens of Bhutan.[19]

11. CSW further recommended that Bhutan should amend the measures against compelling others to change their religion in article 7(4) of the Constitution, article 5(g) of the Religious Organizations Act, and section 463A of the Penal Code, to ensure that any limitations on the right to freedom of religion or belief were consistent with the limitations provided in article 18(3) of the ICCPR. Bhutan should take into account the commentary by the UN Special Rapporteur on freedom of religion or belief on that issue.[20]

12. With regard to granting legal personality to religious organisations, CSW stated that both the text of the Religious Organizations Act of Bhutan and the manner of its

implementation were discriminatory against any groups which were neither Buddhist nor Hindu.[21]

13. CSW explained that the Religious Organizations Act established a regulatory authority, the *Choedhey Lhentshog*, and defined organisations eligible for registration to include a range of named Buddhist and Hindu organisations "or any other religious institutions as recognized by the *Choedey Lhentshog*" (article 3). However, the principles established in the Act which would guide the *Choedey Lhentshog* in that regard were deeply oriented towards strengthening the "spiritual heritage of Bhutan", defined in article 3 of the Constitution as Buddhism. Article 3 of the Religious Organizations Act specified that the purpose and objectives of eligible religious organisations must be "solely for the benefit of religious institutions and the spiritual heritage of Bhutan". Article 4 stated the objectives of the Act, included first "to benefit the religious institutions and protect the spiritual heritage of Bhutan" (article 4(a)). Article 5(f) specified that no eligible religious organisation might "violate the spiritual heritage of Bhutan as expressed in article 3 of the Constitution". The first function of the *Choedey Lhentshog* was to "Endeavour to promote religious harmony and strengthen the spiritual heritage of Bhutan" (article 12(a)), and it was mandated to "Ensure that religious institutions and personalities promote the spiritual heritage of the country".[22]

14. According to CSW, this framework allegedly made it difficult to envisage any non-Buddhist and non-Hindu groups being granted recognition as a religious organisation.[23] ADF indicated that the Act gravely restricted religious freedom especially of the Christian minority community, while protecting and promoting other religious traditions (Buddhist or Hindu), thereby violating the constitutional guarantees of the right to equality.[24]

15. CSW reported that, to date, the *Choedey Lhentshog* had registered sixteen organisations. Fifteen were Buddhist organisations; the other was the Hindu Dharma Samudaya, a Hindu umbrella body (although there were claims this body was not seen to represent all Hindus in the country, particularly those of a "low" caste background).[25]

16. CSW further stated that although a number of Christian organisations operated in Bhutan, none of them had been registered by the *Choedey Lhentshog*. Several Christian groups had allegedly approached the government, but reported having been rebuffed and receiving mixed messages about whether or not they were even eligible to apply for registration.[26]

17. Additionally, CSW recommended that Bhutan should ensure the equal treatment of all religious communities existing in the country. In particular, Bhutan should clarify the eligibility of non-Buddhist and non-Hindu groups to obtain registration under the Religious Organizations Act of Bhutan, and should seek to expedite the registration of all peaceful religious groups in the country which sought this status, providing adequate support to any groups seeking assistance in the process of registration.[27]

18. CSW stated that as a consequence of lacking legal personality under the Religious Organizations Act, Christian groups operated in a legally ambiguous environment. There had been reports of informal church meetings being closed down by local officials in rural areas.[28] Additionally, ADF referred to reports that local authorities told Christians that it was illegal to gather for worship on Sundays, and that they needed permission from a higher authority for such gatherings despite the constitutional guarantee to freedom of religion under Article 7. CSW further reported that, due to this discriminatory practice, religious groups other than Hindus and Buddhists, especially Christians, were reportedly unable to observe certain religious practices including observing traditional practices such as burying their dead in spite of making repeated requests to the Government for the allotment of burial land.[29] CSW additionally reported that Christians were unable to

conduct funeral rituals openly in accordance with their beliefs, and consequently often carried out internments illegally in the forests.[30]

19. ADF recommended that Bhutan make suitable amendments to the Religious Organizations Act of 2007 to ensure that all persons, religious denominations and institutions were able to freely associate and practice their religious beliefs.[31] CSW further recommended that Bhutan should ensure that local officials were given clear guidance on the right to freedom of religion or belief, and that religious groups were able to gather without harassment.[32] Additionally, CSW recommended that Bhutan should provide burial ground to the Christian community, in order for them to carry out funeral rituals in accordance with their religious convictions.[33]

3. Right to education

20. CSW alleged that public education for children involved compulsory Buddhist acts of worship, and that Christian children had been compelled to engage in worship against their will and that of their parents. CSW recommended that Bhutan should foster an environment in schools whereby children belonging to minority religions are treated equally and fairly. It also recommended that Bhutan should also provide education to children about different religions, reflecting the diversity which exists in the country.[34]

4. Minorities

21. Society of Threatened Peoples (STP) reported that the Royal Government of Bhutan had encouraged a policy of "One Nation One People" in 1989 that required all the different ethnic groups to accept the language, culture, social norms and dress of the Ngalong Buddhist elite. The Nepali language was allegedly prohibited in schools, and Hindu media institutes or seminaries, which taught the Sanskrit scriptures, were closed.[35]

5. Migrants, refugees and asylum seekers

22. Lutheran World Federation (LWF) referred to Bhutan's reported expulsion of one-sixth of its population and Bhutan's subsequent failure to allow them to return or to grant them compensation for the forcible deprivation of their property.[36]

23. LWF stated that, in the more than 20 years since the expulsion of the Bhutanese refugees, to date not a single Bhutanese refugee had been allowed to return home to Bhutan. This was despite extensive rounds of negotiations involving Bhutan, a neighbouring country, and UNHCR, and despite the recommendations made to Bhutan in the first cycle of the UPR.[37]

24. LWF alleged that between late 1990 and 1992, the Government of Bhutan engaged in a programme of oppression and forcible eviction that targeted the Nepali-speaking minority living in the southern part of Bhutan.[38] According to STP, that discriminatory policy was based on the controversial Bhutanese Citizenship Act of 1985 and a nationwide census in Bhutan in 1988. The census confirmed that some 43% of the total population was Lhotshampa.[39] LWF explained that Bhutanese of Nepali origin were called Lhotsampas, or Southern Bhutanese.[40] With STP adding that the Buddhist Ngalong and the Hindu Lhotshampa had coexisted for decades in peace.[41] STP alleged that shortly after the publication of the results of the census Bhutanese security forces moved through southern Bhutan and forced the Lhotshampa to abandon their homes and to seek protection in neighbouring countries. Many minority people were allegedly forced by Bhutanese authorities to sign "Voluntary Migration Forms" to formally accept their expulsion.[42] STP further stated that people were only recognized as citizens if they could prove that their mother and father had already been citizens, and if they could provide tax receipts from

before 1958. All others were forced to leave Bhutan within four days. Since then, the Kingdom of Bhutan had neither re-admitted the exiles nor reformed the citizenship law.[43]

25. LWF reported that the Bhutanese refugees were settled into refugee camps in the southeastern area of a neighbouring country. Their numbers grew to more than 100,000.[44] STP stated that despite the fact that 75 per cent of those screened were found to be eligible to repatriate to Bhutan, they never were repatriated due to unacceptable conditions of the Bhutanese authorities. Therefore tens of thousands of refugees had allegedly been languishing for years in refugee camps in a neighbouring country before the UNHCR launched a massive resettlement programme to third countries.[45] LWF stated that, as of September 2013, UNHCR reported that more than 100,000 refugees had registered for resettlement and that more than 81,000 persons had been able to restart their lives in eight different resettlement countries.[46]

26. STP also expressed deep concerned at the high suicide rates among the thousands of refugees from Bhutan in a neighbouring country – and also among the thousands who had reached a third country from 2008 onwards.[47]

27. LWF proposed the following recommendations: Bhutan should begin to allow Bhutanese refugees to return to Bhutan in safety and dignity. First priority should go to the elderly (some of whom simply wanted to return to their homeland for their last days) and to close family members who were separated. Bhutan should provide compensation to those persons whose land and other property was seized by force or coercion in connection with the expulsion of the Southern Bhutanese in the early 1990s.[48]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.
Civil society
Individual submissions:

ADF	Alliance Defending Freedom, Scottsdale, Arizona, United States of America;
CSW	Christian Solidarity Worldwide, New Malden, United Kingdom of Great Britain and Northern Ireland (UK);
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, UK;
LWF	Lutheran World Federation, Geneva, Switzerland;
STP	Society for Threatened Peoples, Göttingen, Germany.

[2] CSW, para. 3.
[3] ADF, para. 18.
[4] CSW, para. 4.
[5] ADF, paras. 1-2.
[6] ADF, para. 3.
[7] CSW, para. 19.
[8] ADF, para. 21. See also CSW, para. 20.
[9] GIEACPC, paras. 2.1, 2.2, 2.3 and 2.6.
[10] GIEACPC, para. 1.1.
[11] GIEACPC, para. 1.2.
[12] GIEACPC, p.1.
[13] CSW, paras. 5, 6 and 7.
[14] CSW, para. 9 and ADF, paras. 11-14.
[15] CSW, para. 8.
[16] CSW, para. 11.
[17] CSW, para. 12.
[18] ADF, para. 15.
[19] ADF, para. 19.
[20] CSW, para. 17.
[21] CSW, para. 13.
[22] CSW, paras. 13-14.
[23] CSW, para. 14.
[24] ADF, para. 10.
[25] CSW, para. 15.
[26] CSW, para. 16.
[27] CSW, para. 18.
[28] CSW, para. 27.
[29] ADF, para. 5.
[30] CSW, para. 22.
[31] ADF, para. 20.
[32] CSW, para. 28.
[33] CSW, para. 24.
[34] CSW, paras. 23, 25-26.
[35] STP, p.1.
[36] LWF, point 1, introduction, p.1.
[37] LWF, p.1.
[38] LWF, p.1.
[39] STP, p.1.
[40] LWF, p.1.
[41] STP, p.1.
[42] STP, p.1.
[43] STP, p.1.
[44] LWF, p.1.
[45] STP, p.1.

[46] LWF, p.1.
[47] STP, pp.1-2.
[48] LWF, pp. 1-2.